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EXAMINER

LANDRUM, EDWARD F

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3724

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/823,873

Applicant(s)

NGAN ET AL.

Examiner

Edward F. Landrum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 4-7, 10, 11, 13, and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 9, 12, 14-18, 20, and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 4/14/2004.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 4, 5, 6, 7, 10, 11, 13, and 19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/16/2006.

Examiner has withdrawn claim 4 because the claim discloses that the second cam surface is fixed relative to the housing. Merriam Webster Online Dictionary (m-w.com) defines fixed as: 1 a : to make firm, stable, or stationary. The second cam surface of the elected species can move towards and away from the housing along the axis (118), therefore the second cam surface is not fixed relative to the housing. If it were argued that 130 is the second cam surface, claim 1 states that the second cam surface is rotationally fixed relative to the housing. The claimed species provides for one collar to be rotationally fixed and the other fixed in a translatory manner in relation to the housing, using 130 as the second cam surface would not allow that as one cam surface would be rotationally fixed and fixed from translating up and down axis (118). Furthermore, claim 4 states that the first collar translates away from the housing. In the elected species (Figures 11 and 12) the first collar cannot translate away or toward the housing as it rests on the base of the lower housing (24) and is only attached to the shaft (134) via splines (136).

Examiner has withdrawn claim 5 because the claim discloses that the shaft is threadably engaged with the first collar. This claim refers to the non-elected species of

Figure 14, not the elected species of Figures 11 and 12. Furthermore, if it is argued that the splined region (136) of the shaft constitutes threads, the definition for thread as defined by Dictionary.com is: A helical or spiral ridge on a screw, nut, or bolt.

Examiner has withdrawn claim 19 because the claim discloses that the shaft is threadably engaged with the second collar. This claim refers to the non-elected species of Figure 13, not the elected species of Figures 11 and 12.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show threaded aperture (96) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 8, 9, 14-18, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Orrico (U.S Patent No. 6,553,675).

Regarding claim 1-3, 20, and 21, Orrico teaches (see Figures 1-5) a portable jigsaw (10) having a housing (12), a handle, a motor secured in the housing, a saw blade (14), and an adjustable base (16). The adjustable base comprises a longitudinal shell (36) secured to the housing and facing away from the housing. The shell (36) is generally parallel with the cutting plane of the blade (14). A base plate (20) is secured to the shell (36). The base plate (20) has a generally planar contact surface for engaging work piece. A shaft (63) is mounted to the housing (12) and extends through a transverse slot (38) in the shell (36). A collar (46, 48, and 50) is operably connected to the end of the shaft (63) nearest the housing (12) and has a first cam surface (48). The first cam surface (48) cooperates with a corresponding second cam surface (56) that is rotationally fixed relative to the housing. A longitudinal clamp plate (58) is located in the shell (36) inner region and cooperates with the distal end of the shaft (63)

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for clamping the shell (36) to the housing. The clamp member (58) is sized to allow the shell (36) to pivot about the clamp member (58) as the transverse slot (38) provides clearance for the shaft (63). The shaft (63) is threadably engaged to the clamp member (58) so that rotation of the collar in the unlock direction extends the shaft further away from the housing and rotation of the collar in the lock direction extends the shaft towards the housing. The collar (46, 48, and 50) can be considered a collar because its design prevents a second collar (52, 54, and 56) from moving relative to it.

Regarding claims 8 and 9, Orrico teaches (see Figure 4) a lever (40, 42, and 44) mounted to the collar (46, 48, and 50) and extending axially away from the collar. The lever appears to be formed integrally with the collar.

Regarding claim 12, Orrico teaches (see Figure 4) a cavity (23) formed in the housing (11) for limiting the rotation of the lever (29).

Regarding claim 14, 15, and 16, Orrico teaches (see Figure 4) a second collar (52, 54, and 56) with the second cam surface (56) formed thereon. The shaft (63) is journaled within the second collar, and the second collar is rotationally fixed relative to the housing by the shaft (63).

Regarding claims 17 and 18, Orrico teaches (see Figures 2 and 3) the first collar is fixed for rotation with the shaft (63) as the shaft cannot rotate without also rotating the first collar. The second collar is axially restrained by the shaft (63) towards the first collar, and the clamp member (59) is threadably engaged with the shaft (63). When the first collar is rotated in the unlock direction the second collar, clamp (58), and shaft (63)

move axially away from the housing. When the first collar is rotated in the lock direction the second collar, clamp (58) and shaft (63) move axially towards the housing.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 8, 9, 12, 14-16, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al (U.S Patent No. 3,087,519, hereinafter McCarthy, in view of Glass (U.S Patent No. 4,221,051).

Regarding claim 1-3, 8, 9, 12, 20, and 21, McCarthy teaches (see Figures 1-11) a portable jigsaw (10) having a housing (11), a handle (12), a motor secured in the housing, a saw blade (14), and an adjustable base (15). The adjustable base comprises a longitudinal shell (18) secured to the housing and facing away from the housing. The shell (18) is generally parallel with the cutting plane of the blade (14). A base plate (16 and 17) is secured to the shell (18). The base plate has a generally planar contact surface for engaging work piece. A shaft (25) is mounted to the housing (11) and extends through a transverse slot (21) in the shell (18). A collar (26) is attached to the end of the shaft (25) nearest the housing (11). A longitudinal clamp plate (27) is located in the shell (18) inner region and cooperates with the distal end of the shaft (25) for clamping the shell (18) to the housing. The clamp member (27) is sized to allow the shell (18) to pivot about the clamp member (27) as the transverse slot

(21) provides clearance for the shaft (25). The shaft (25) is threadably engaged to the clamp member (27) so that rotation of the collar in the unlock direction extends the shaft further away from the housing and rotation of the collar in the lock direction extends the shaft towards the housing.

Regarding claims 8 and 9, McCarthy teaches (see Figure 11) a lever (29) mounted to the collar (26) and extending axially away from the collar. The lever (29) appears to be formed integrally with the collar (26).

Regarding claim 12, McCarthy teaches (see Figure 11) a cavity (23) formed in the housing (11) for limiting the rotation of the lever (29).

McCarthy teaches all of the elements of the current invention as stated above except the collar having a first cam surface and cooperating with a second cam surface on a second collar that is rotationally fixed relative to the housing, the shaft being journaled within the second collar.

Glass teaches (see Figures 4-7) a clamping means having a first collar 92 with a lever (4) integrally formed to it, and a second collar (106) rotationally fixed relative to a housing, having a second cam surface (110), with a shaft (90) journaled within it.

It would have been obvious to have modified McCarthy to incorporate the teachings of Glass to provide a second collar with a second cam surface that was rotationally fixed relative to the housing. Providing a second collar would allow a user to clamp the base to the jigsaw without having to worry about applying too much torque and potentially shredding the threads of the shaft, thereby increasing the life of the clamping mechanism.



***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gentinetta et al (U.S Patent No. 5,778,538), Tam et al (U.S Publication No. 2004/0168561), and Wadge (U.S Publication No. 2004/0163263) teach clamping means for jigsaws.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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EFL

9/29/2006



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